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INFO RUEHCV/AMEMBASSY CARACAS PRIORITY 0896  
RUEHGT/AMEMBASSY GUATEMALA PRIORITY 0206  
RUEHPU/AMEMBASSY PORT AU PRINCE PRIORITY 0149  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0144  
RHMFISS/HQ USSOUTHCOM MIAMI FL PRIORITY  
RUEKJCS/JOINT STAFF WASHDC PRIORITY  
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C O N F I D E N T I A L SANTIAGO 000577

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E.O. 12958: DECL: 03/20/2016  
TAGS: [PREL](#) [PGOV](#) [UNSC](#) [MARR](#) [MOPS](#) [CI](#) [HA](#)  
SUBJECT: AMBASSADOR DISCUSSES VENEZUELA'S UNSC CANDIDACY,  
ICC RATIFICATION, SOFA, AND OTHER ISSUES WITH ACTING FM VAN  
KLAVEREN

REF: A. SECRETARY 3  
[1](#)B. SANTIAGO 0562  
[1](#)C. SANTIAGO 0541  
[1](#)D. SANTIAGO 0516  
[1](#)E. SANTIAGO 0514  
[1](#)F. SANTIAGO 0488  
[1](#)G. SANTIAGO 0447  
[1](#)H. SANTIAGO 0429  
[1](#)I. SANTIAGO 0384  
[1](#)J. STATE 42173  
[1](#)K. STATE 37552  
[1](#)L. STATE 27174

Classified By: Ambassador Craig A. Kelly. Reasons: 1.4 (b and d).

[1](#)1. (C) Summary: Acting Foreign Minister Alberto Van Klaveren told the Ambassador on March 20 that Chile had not taken a position on Venezuela's UNSC candidacy. Van Klaveren said the Bachelet administration was interested in pursuing a long-term SOFA with the U.S. and other countries. He observed that Congress would ratify the International Criminal Court soon and commented that an Article 98 agreement "was highly and politically improbable." Van Klaveren acknowledged President Bachelet's commitment to secure an extension of Chilean troops in Haiti beyond June [1](#)2006. Van Klaveren expressed familiarity with U.S. IPR concerns and confirmed that the GOC was reviewing the Lagos administration's decision to accept Cuban migrants at GTMO. The Ambassador also reviewed U.S. concerns on Hamas and the GOC's unfair and discriminatory import practices for Embassy administrative and technical personnel. End summary.

[1](#)2. (U) The Ambassador called on Acting Foreign Minister Alberto Van Klaveren on March 20. Van Klaveren was accompanied by MFA North American Affairs Desk Officer Beatriz de la Fuente. The Ambassador was accompanied by DCM and Poloff.

Invitation to the White House  
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[1](#)3. (C) The Ambassador opened by noting the Secretary's successful visit to Chile to attend President Michelle Bachelet's inauguration ceremony. He described the Secretary's meetings with President Bachelet and former

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President Lagos as positive, and reiterated our desire to work closely with the Bachelet administration during the next

four years. The Ambassador noted the President's invitation for Bachelet to come to the White House on June 8 (ref. A). Van Klaveren said that President Bachelet welcomed the invitation, and expressed hope the GOC would have an official response shortly.

#### Venezuela's UNSC Candidacy

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¶4. (C) The Ambassador reiterated the USG's strong views on Venezuela's candidacy for the UNSC seat (refs. B-I) and pressed Van Klaveren on Chile's position. Van Klaveren reiterated that the Bachelet administration had not yet made a decision. The Ambassador underlined that a vote for Venezuela would greatly complicate much of the important work that Chile and the U.S. could do together in the future.

#### Status of Forces Agreement (SOFA)

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¶5. (C) The Ambassador acknowledged the exchange of diplomatic notes granting DOD personnel protections for military exercises during 2005, and for those up through June 2006. He expressed appreciation for the GOC's draft proposal for a long-term SOFA, and said Washington was interested in concluding such (ref. J). The Ambassador asked Van Klaveren when the GOC intended to introduce to Congress legislation allowing the executive branch to conclude SOFA agreements. Van Klaveren confirmed the GOC was interested in pursuing a long-term SOFA with the U.S. and other countries. He said it was in Chile's "own self-interest" to do so, given its important military relations with the U.S. and European countries. (Comment: It is unclear whether the Chileans are considering pursuing individual SOFAs with each country, or a single, umbrella SOFA to cover all countries. End comment.) Van Klaveren did not know when the GOC would submit the

legislation, but expressed hope it would be soon.

#### ICC/Article 98

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¶6. (C) Van Klaveren said he was familiar with past discussions regarding SOFAs, ICC ratification and the American Servicemembers' Protection Act (ASPA). He acknowledged that he and other Chilean officials were following closely recent statements by U.S. administration officials and members of Congress regarding ASPA sanctions and the impact they could have on U.S. military relations with certain countries in the region. Van Klaveren asked if a SOFA would avert a cut-off of U.S. military assistance to Chile. The Ambassador said ASPA was U.S. law, reiterated our interest in concluding an Article 98 agreement, and asked if the Bachelet administration would be willing to conclude such an agreement.

¶7. (C) Van Klaveren said the new Congress would likely ratify the ICC "very soon." After noting that the Lagos Administration had delayed a decision on ICC ratification to allow the U.S. and Chile to work out a satisfactory solution, Van Klaveren said "we do not want to push the issue, but sooner or later it (ICC ratification) will go to Congress and will pass." He reiterated (as have several high-ranking GOC officials) that there is a consensus in Chile in favor of ICC ratification and added that some new members of Congress will "insist on a vote" soon. Van Klaveren said there is "no political support" for an Article 98 agreement and, in his view, it was "highly improbable" that Congress would approve such an agreement.

#### Haiti

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¶8. (C) The Ambassador said the Secretary was pleased that President Bachelet was committed to extending the presence of Chilean troops in Haiti beyond June 2006. Van Klaveren nodded, described Bachelet's recent meeting in Santiago with

Haitian President-elect Preval as "positive," and expressed hope that Chile and the U.S. would continue to cooperate in Haiti in the future.

#### Cuban Migrants

19. (C) The Ambassador noted that the Lagos Administration had agreed in principle to accept for resettlement 27 protected Cuban migrants from Guantanamo Bay, but that further movement would be postponed until the Bachelet government had the opportunity to reaffirm the overall decision. Van Klaveren confirmed that the appropriate Chilean ministries were reviewing the matter.

#### Hamas

10. (C) The Ambassador told Van Klaveren it was important for the international community to send a unified message regarding our expectations of the new Palestinian government (refs. K-L). Noting that he and EPOL Counselor had raised our concerns with former FM Walker and current MFA Director for Middle East Affairs Palma, the Ambassador reiterated our request that the GOC not receive Hamas delegations. Van Klaveren acknowledged receipt of the U.S. position.

#### IPR

11. (U) The Ambassador noted that Chile's weak and unwilling protection of patents, copyrights and trademarks was the main cloud hanging over the otherwise successful U.S.-Chile FTA. Van Klaveren said he was familiar with our concerns, since they were shared by the EU (Note: Van Klaveren was Chile's Ambassador to the EU before being tapped to be Deputy FM. End note.)

#### A&T Status/Import Restrictions

12. (U) The Ambassador conveyed our concerns about Chile's unfair and discriminatory import restrictions on Embassy

administration and technical personnel, and the GOC's unwillingness to exempt U.S. personnel from paying Chile's 19 percent value-added (IVA) tax. Van Klaveren said he was not personally familiar with the issue, but he would discuss the matter with the Foreign Ministry's Protocol department. The Ambassador suggested it might be more useful to discuss the matter with the Finance Ministry. Van Klaveren agreed, but laughingly said "it would be easier" to discuss it with MFA/Protocol.  
KELLY